

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAMIS ALKHARSA,

No. 08 CIV 4254 (JGK)

Plaintiff,

**REPLY TO CROSS-CLAIM**

- against -

NEW HANG DAR CONSTRUCTION, INC., JIMMY HO,  
BRIAN ILL DEVELOPMENT, LLC, BRIAN ILL,  
MADALEX, LLC, SCOTT EDELSTEIN, ALEX TEREX,  
EMPIRE MANAGEMENT AMERICA CORP. A/K/A  
EMPIRE MANAGEMENT and FRED SHALOM,

Defendant(s).  
-----X

Defendants, EMPIRE MANAGEMENT AMERICA CORP., d/b/a EMPIRE  
MANAGEMENT and FRED SHALOM, by their attorneys, Havkins Rosenfeld Ritzert &  
Varriale, LLP, as and for their Reply to the Cross-Claim of defendants, NEW HANG DAR  
CONSTRUCTION, INC. and JIMMY HO, dated May 14, 2008, allege, upon information and  
belief, as follows:

1. Deny knowledge or information sufficient to form a belief as to the allegations  
contained within the cross-claim of defendants, NEW HANG DAR CONSTRUCTION, INC.  
and JIMMY HO, and refer all questions of law to the Court for a determination, except deny  
each and every allegation contained within the Cross-Claim as it pertains to the answering  
defendants.

WHEREFORE, defendants EMPIRE MANAGEMENT AMERICA CORP., d/b/a  
EMPIRE MANAGEMENT and FRED SHALOM, demand judgment dismissing the Cross-  
Claim of defendants, NEW HANG DAR CONSTRUCTION, INC. and HIMMY HO, together  
with such other and further relief as the Court deems just and proper.

Dated: Mineola, New York  
June 19, 2008

**HAVKINS ROSENFELD RITZERT  
& VARRIALE, LLP**

By: Carlie Fitapelli  
Carlie Fitapelli (CF 5146)

Attorneys for Defendants

*EMPIRE MANAGEMENT AMERICA CORP.*

*A/K/A EMPIRE MANAGEMENT, and*

*FRED SHALOM*

114 Old Country Road, Suite 300

Mineola, New York 11501

(516) 620-1700

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File No.: 03109-0149

**To:**

**ROBERT G. LEINO, ESQ.**

*Attorneys for Plaintiff*

354 East 91<sup>st</sup> Street, Apt. 1101

New York, New York 10128

**JAMES M. SKELLY**

**MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.**

*Attorneys for Defendants*

*NEW HANG DAR CONSTRUCTION, INC.*

*AND JIMMY HO*

530 Saw Mill River Road

Elmsford, New York 10523

File No.: 495.81794

(914) 345-3701

**BRIAN ILL DEVELOPMENT, LLC**

*Not Yet Answered*

611 Riverside Avenue

Westport, Connecticut 06880

**BRIAN ILL**

*Not Yet Answered*

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Westport, Connecticut 06880

**MADALEX, LLC**

*Not Yet Answered*

150 Broad Hollow Road, Suite 355

Melville, New York 11747

**SCOTT EDELSTEIN**

*Not Yet Answered*

10 Old Jackson Avenue

Hastings-on-Hudson, New York 10706

**ALEX TEREZ**

*Not Yet Answered*

150 Broad Hollow Road, Suite 355

Melville, New York 11747

**CERTIFICATE OF SERVICE**

I, **Carlie Fitapelli**, hereby certify that on June 19, 2008, the foregoing document, **REPLY TO CROSS-CLAIM**, was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic Service upon the following parties and participants:

**ROBERT G. LEINO, ESQ.**  
354 East 91<sup>st</sup> Street, Apt. 1101  
New York, New York 10128

**JAMES M. SKELLY  
MARKS, O'NEILL, O'BRIEN &  
COURTNEY, P.C.**  
530 Saw Mill River Road  
Elmsford, New York 10523  
File No.: 495.81794

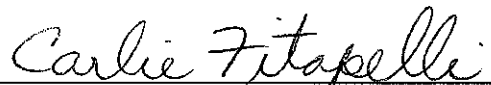
**BRIAN ILL DEVELOPMENT, LLC**  
*Not Yet Answered*  
611 Riverside Avenue  
Westport, Connecticut 06880

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**CARLIE FITAPELLI, ESQ. (CF5116)**  
HAVKINS ROSENFELD RITZERT  
& VARRIALE, LLP  
Attorneys for Defendant  
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114 Old Country Road, Suite 300  
Mineola, New York 11501  
(516) 620-1700  
File No.: 3109-149

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK           )  
  ) ss:  
COUNTY OF NASSAU        )

**HELEN SOMERSET**, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age and reside in Stewart Manor, New York.

On the 19th day of June, 2008, I served a true copy of the within **REPLY TO CROSS-CLAIM** by mailing the same in a sealed envelope, with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York, addressed to the last known address of the addressees as indicated below:

**To:**

**ROBERT G. LEINO, ESQ.**  
354 East 91<sup>st</sup> Street, Apt. 1101  
New York, New York 10128

**JAMES M. SKELLY**  
**MARKS, O'NEILL, O'BRIEN &**  
**COURTNEY, P.C.**  
530 Saw Mill River Road  
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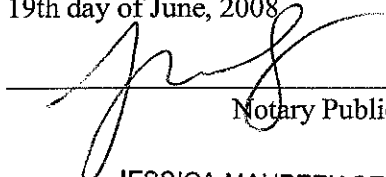
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**ALEX TEREZ**  
*Not Yet Answered*  
150 Broad Hollow Road, Suite 355  
Melville, New York 11747

  
**HELEN SOMERSET**

Sworn to before me this  
19th day of June, 2008

  
\_\_\_\_\_  
Notary Public

**JESSICA MAUREEN SERVA**  
Notary Public, State of New York  
No. 02SE6137840  
Qualified in Nassau County  
Commission Expires December 5, 2009